

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Cameron Howard,

Plaintiff,

Case No. 2:23-cv-2234

v.

Judge Michael H. Watson

Travelers Indemnity Company, et al.,

Magistrate Judge Vascura

Defendants.

OPINION AND ORDER

Cameron Howard (“Plaintiff”) sued Travelers Indemnity Company (“Travelers”) and the Ohio Department of Medicaid (“ODM”) in the Franklin County Court of Common Pleas. See, Compl., ECF No. 3. Travelers removed the action to this Court on the basis of diversity jurisdiction. Notice of Removal, ECF No. 1. In its notice of removal, Travelers asserts that the amount in controversy exceeds \$75,000 and that Plaintiff is a citizen of Ohio while Travelers is a citizen of Connecticut. *Id.* ¶ 3. Travelers acknowledges that ODM was sued in the state-court case and that ODM is an Ohio citizen but argues that Plaintiff’s state-court Complaint lacks any allegations against ODM and fails to state a cause of action against ODM. *Id.*

Plaintiff moves to amend the Complaint to add specific allegations about ODM and properly name it as a defendant in this action. Mot. Amend, ECF No. 5. Plaintiff asserts that ODM is a necessary party to Plaintiff’s action because


ODM has paid Plaintiff's medical bills and possesses a \$163,799.79 lien against any recovery Plaintiff receives in this action from Travelers. *Id.* at 2.

Travelers has not opposed Plaintiff's motion for leave to amend.

Pursuant to Federal Rule of Civil Procedure 15(a), "[t]he court should freely give leave [to amend] when justice so requires." Here, Plaintiff has made a colorable argument that ODM is a proper defendant to this lawsuit. Thus, the Court **GRANTS** Plaintiff's motion for leave to amend. Plaintiff shall file his Amended Complaint within **TWENTY-ONE DAYS** of the date of this Opinion and Order.

Clearly, the Court lacks diversity jurisdiction if ODM is a proper defendant. Accordingly, should Plaintiff file an Amended Complaint, Travelers will have **TWENTY-ONE DAYS** from the date of service in Plaintiff's Amended Complaint to **SHOW CAUSE** why the case should not be remanded for lack of subject-matter jurisdiction.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT